

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALLSTATE INSURANCE COMPANY, et al.,

Plaintiffs,

AMENDED ORDER
CV 11-3862 (ADS)(ARL)

-against-

HISHAM ELZANATY, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

In July, the plaintiffs requested an order from the court compelling non-party Dr. Melinda Gilmore to appear for a deposition. At that time, the plaintiffs indicated that Dr. Gilmore was “ready, willing and able to cooperate, however, due to the settlement agreement in her case against Uptown, [was] contractually prohibited from doing so without a Court Order.” In response to the plaintiffs’ application, the defendants Uptown Health Care Management, Inc. d/b/a East Tremont Medical Center, New York Neuro & Rehab Center and Jerome Family Health indicated that they did not object. Accordingly, the court indicated that no order appeared to be required as it was merely a contractual issue to which the parties agreed. However, when counsel for Dr. Gilmore tried to confirm that Uptown was waiving the Settlement Agreement restriction, counsel for Uptown did not respond. Accordingly, non-party Gilmore now seeks an order from the court compelling her testimony and appearance. That motion is granted as unopposed.

Dated: Central Islip, New York
August 30, 2012

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge